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Upon the whole, I consider this as an advancement made when the slaves were placed with the children, and, like all other advancements, to be valued at that time, or when made.

PER CURIAM.

Affirmed.

Cited: Hinton v. Hinton, 21 N. C., 588; *Hollowell v. Skinner*, 26 N. C., 171; *Cowan v. Tucker*, 27 N. C., 81; *Lamb v. Carroll*, 28 N. C., 5; *Person v. Twitty*, *ibid.*, 117; *Cowan v. Tucker*, 30 N. C., 428; *Meadows v. Meadows*, 33 N. C., 150; *Davie v. King*, 37 N. C., 204; *Richmond v. Vanhook*, 38 N. C., 586; *Hicks v. Forrest*, 41 N. C., 531; *Harrington v. Moore*, 48 N. C., 58; *Airs v. Billops*, 57 N. C., 24.

Dist.: Hurdle v. Elliott, 23 N. C., 176.

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It is our melancholy duty to announce the death of the Honorable JOHN LOUIS TAYLOR, late Chief Justice of the Supreme Court of North Carolina. The fatal disease which in the course of a few days removed him from the embraces of his family, from a society which he adorned, and a country which he had long and faithfully served, found him at his post, engaged in the discharge of the duties of his high office. He departed this life on 29 January, 1829, two days after the close of the last term of this Court.

In the character of this distinguished man there was such a rare union of qualities as renders the task of portraying it one of peculiar difficulty. No one property stood out in such bold relief or disproportioned growth as to afford to an ordinary artist the certainty of seizing a likeness. The lineaments of his mind were delicate, and so harmoniously blended as to present to the intellectual eye an object on which it dwelt with serene and affectionate pleasure, conscious of excellence, yet scarcely sensible in what it consisted.

The late Chief Justice was descended of Irish parents, but was born in London on 1 March, 1769. At the age of 12 years he was removed from his widowed mother, and brought over to this country under the charge of his elder brother, the late James Taylor, Esq. By the assistance of this kind relative he obtained, though in an imperfect degree, the benefits of a classical education at the College of William and Mary in Virginia. Compelled to leave college before his academical career was completed, he came to North Carolina, and after a short prepara-

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tory course of legal study, in which he had no preceptor nor guide, he was called to the bar at an unusually early age—before he had finished his twentieth year. The young stranger settled himself at Fayetteville,

and there, without patronage or connections, soon gained the (308a) affections and attracted the confidence of those around him.

His gentle, unobtrusive manners, a singular felicity of expression, which always seized, and apparently without effort, the most appropriate word for the communication of a thought, a playful but ever benevolent wit, united with quick perception, great ingenuity in argument, and a most retentive recollection of whatever he had read, opened for him at once the career of eminence, in which he advanced without faltering. His success excited no envy, for it was wholly unaccompanied by arrogance, and rendered but the more conspicuous the generosity of his temper and the kindness of his heart. He was elected more than once to represent the town of Fayetteville in the General Assembly, and he actually occupied this station in 1796, immediately before his removal to New Bern. In 1798 he was appointed by the Legislature one of the judges of the Superior Courts of Law and Equity, then the highest tribunals of justice in our State. In 1810, when the Legislature directed the judges to appoint one of their own body to preside as Chief Justice in the Supreme Court, he was unanimously selected for that high distinction; and in 1818, when the Supreme Court was newly organized, he was elected by the General Assembly one of its judges, and by his associates reappointed the Chief Justice.

How he discharged his duties during the twenty years he administered justice on the circuit it is impossible that the bar or the community can have forgotten. He was preëminently a safe judge. It was difficult to present a question for his determination upon which his reading had not stored up and his retentive memory did not present some analogous case in which it had been settled by the sages of the law. And with him it was a religious principle to abide by the landmarks, "*stare decisis.*" In his charge to juries he was full and perspicuous, and while he left unimpaired their dominion over the question of fact, he never (308b) shunned responsibility by evading a distinct expression of opinion on every point of law. His patience was exemplary and his courtesy universal. Uniting in an extraordinary degree suavity of manners with firmness of purpose; a heart tremblingly alive to every impulse of humanity, with a deep-seated and reverential love of justice—the best feelings with an enlightened judgment—he made the law amiable in the sight of the people, inspired affection and respect for its institutions, and gained for its sentences a prompt and cheerful obedience.

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Of the mode in which he executed his functions as a judge of the Supreme Court the world can have few opportunities of judging, except from his reported decisions; and to these we appeal as furnishing no slight testimony of his merits. We presume not to set up ourselves as the most competent judges on such subjects; but we will not hesitate to express our belief that while all may be read with profit and are entitled to respect, there are many—very many—which may be regarded as models of legal investigation and judicial eloquence. There is indeed a charm in all his compositions seldom to be found elsewhere, which has induced not a few to regret that the Chief Justice had not devoted himself entirely to a literary life. He would probably have proved one of the most elegant writers of his day. He who could render legal truth attractive could not fail to have recommended moral excellence in strains that would have found an echo in every heart.

Of the Chief Justice as a man we are unwilling to trust ourselves to speak as we feel. We loved him too well and too long to make the public the depository of our cherished affections. If there ever heaved a kinder heart in human bosom, it has not fallen to our lot to meet with it. If ever man was more faithful to friendship, more affectionate in his domestic relations, more free from guile, more disinterested, humane, and charitable, we have not been so fortunate as to (308c) know him. When we think of these excellencies, when we call to mind the instances in which we have seen them illustrated in practice, and felt their kindly influence, and when we look around into the wide world to search for those who may supply his place in our affections, the exclamation arises involuntarily:

“Vale! Vale!

Heu quanto minus est, cum reliquis versari,
Quum tui meminisse!”

At a meeting of the Executive Council, held in Raleigh on 8 May last, JOHN D. TOOMER, Esq., was appointed a judge of the Supreme Court *ad interim*, to supply the vacancy occasioned by the death of the late Chief Justice, and took his seat the first day of this term.

At a meeting of the judges of the Supreme Court, held during this term, LEONARD HENDERSON, Esq., was appointed Chief Justice.

APPENDIX

PRESENTATION OF PORTRAIT OF CHIEF JUSTICE TAYLOR

The portrait of JOHN LOUIS TAYLOR, the first Chief Justice of the Supreme Court of North Carolina (under its organization in pursuance of the act of 1818), was presented, on behalf of his descendants, to the Court on 16 December, 1890, by Thomas S. Kenan. In the course of his remarks, some interesting facts relating to the life of the distinguished jurist were given.

CHIEF JUSTICE TAYLOR was born in England, and came to New Bern, in Craven County, when about 20 years of age, in company with John Devereux and Pierce Manning. He read law at Salisbury, Andrew Jackson being a fellow-student. He was very much attached to Jackson and voted for him for President, although politically opposed to him. After he was appointed Chief Justice he returned to England on a visit to his relatives, and while in London had the miniature taken from which this portrait was executed by Mr. James L. Busbee, son of Charles M. Busbee, Esq., of Raleigh. The work is well done and is a great credit to the young artist.

The Chief Justice married Miss Rowan, of Fayetteville, after whose death he married a sister of JUDGE GASTON. He moved from New Bern to Raleigh in 1812, and occupied the house on Hillsboro Street known as the "Saunders place" and now the property of S. A. Ashe. It was built for him and under his supervision. He died in 1829 and was buried on the premises, but his remains were subsequently removed to Oakwood Cemetery.

He was a man of great literary taste, a lover of humor, and abundant in his hospitality, and was regarded by the bench and the bar of the State as one of the most distinguished of our judges. These data were obtained from his descendants.

There is also a memoir of him reported in 16 N. C., 309, which was prepared shortly after his death.

CHIEF JUSTICE MERRIMON, in accepting the portrait on behalf of the Court, said that in his lifetime JUDGE TAYLOR was a distinguished and brilliant member of the Court and lives today in the memory of the bench and bar.

He directed that a minute of this proceeding be made in the records of the Court, and that the portrait be placed in proper position upon the walls of the Supreme Court room.